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CAT (PROCEDURE) RULES

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK.

Original Application No. 200 of 1995

Cuttack this the 3rd day of November, 1995.

C O R A M:-

THE HONOURABLE MR. N. SAHU, MEMBER (ADMINISTRATIVE)

SHRI K. P. C. PATRA,
aged about 59 years,
son of late K. Ramayya Patra,
Retired Stenographer,
B/M-14, V.S.S. Nagar, Bhubaneswar,
District-Khorda.

... .. Applicant

By the Applicant : M/s. B.L.N. Swamy, A.K.Rath, Advocates.

-Versus-


- 1) Union of India represented by
the Secretary of Finance,
New Delhi.
- 2) Commissioner of Income Tax,
Orissa, Bhubaneswar, Dist. Khorda. Respondents

By the Respondents : M/s. A.K. Mishra, J. Sengupta,
Senior Panel Counsel (Central).


O R D E R

MR. N. SAHU, MEMBER (ADMN.) : The relief sought in this application is for a direction to the Respondent No.2 i.e. Commissioner of Income Tax, Orissa, Bhubaneswar to make immediate payment of all the dues together with cost and interest. The applicant has claimed that he was not paid his gratuity on retirement. He shifted to Bhubaneswar and he was not paid the T.A. Bill from Cuttack to Bhubaneswar. He was not paid

house rent allowance which he claimed he was entitled to when he was posted to Jeypore, Koraput. He purchased a hearing Aid for Rs. 2,450/- and this was not also reimbursed to him under the Medical Reimbursement Rules. He also had a grievance regarding non-payment of GPF.



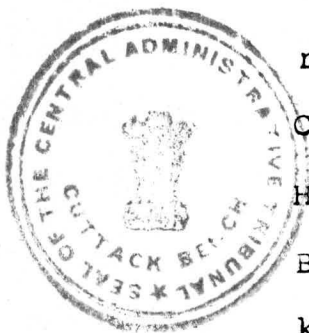
2. I have heard the learned counsel appearing for the petitioner Mr. B. L. N. Swamy and the learned Senior Panel Counsel (Central) Mr. Aswini Kumar Mishra for the Respondents. The applicant had claimed multiple reliefs in one application which is barred by Rule-10 of the Administrative Tribunals Act, 1985. Statement of T.A. claims, gratuity payment, medical reimbursement etc. are not related to each other and therefore, normally, the application should have been dismissed as incompetent. After hearing the learned counsel for the Opposite Parties and after going through the counter-affidavit filed on behalf of the Respondent No.2, it appears to me that most of the claims were settled and the discrepancies if any, are peripheral. The applicant, if he so chooses, can take it up for redressal with the Respondents. In compliance with the mandatory Rule-10, however, it is agreed at the Bar that this petition could be disposed of by confining to only one grievance: with regard to the reimbursement of the purchase of a hearing



Aid for a sum of Rs. 2,450/-. Other reliefs cannot be allowed to be argued in this petition and they can be administratively disposed of by the Respondent No.2.

3. By his representation dated June 1, 1992, the applicant submitted that he consulted Dr. S. S. Kar, Assistant Surgeon, Capital Hospital, Bhubaneswar for abnormal hearing problems of his daughter who in turn referred them to a specialist Audiologist, Regional Centre Ali Yaval Jung National Institute for hearing, Handicapped, Ministry of Welfare, Government of India, Bhubaneswar. The specialist prescribed a hearing aid known as 'ELKON' with skeleton mouldform. The applicant purchased the same and submitted the Bill for reimbursement for Rs.2,450/- on 1. 12. 1991.

4. On behalf of the Respondents, it is claimed that the amount is payable to the supplier directly and as the petitioner had not informed the office about the hearing Aid purchased, the procedure did not allow the direct payment to the applicant. After this, the petitioner represented and the representation was referred to the Central Board of Direct Taxes who directed disposal of the claim in accordance with the guidelines of the Ministry of Health and Family Welfare Department Office Memorandum dated 26. 11. 1992. It is submitted that thereafter the petitioner's claim is under scrutiny.





5. The genuineness of the claim has not been doubted. The medical reports and the need for purchasing of the hearing Aid also has not been doubted by the Respondents. May be under the procedure, the applicant had to give an advance intimation whereupon the money would be directly paid to the supplier. Without fully following the procedure a hearing Aid was directly purchased. This is not a case of grave misconduct or irregularity which should disentitle him from the claim. This is a matter in which Respondent No.2 should move to condone the defect and obtain ratification of the Director General of Health Services, if it is so needed, on his own. It is a case where the ailment is genuine, the specialist prescription is genuine and the purchase is genuine and therefore the minor procedural slips can be ignored. This is the minimum that a Government servant after 34 years of service expects from his employer in the evening of his life. I therefore, direct Respondent No.2, the Commissioner of Income Tax, Bhubaneswar to ignore other minor procedural aberrations and make the payment of the claim of Rs.2,450/-, if this is otherwise admissible under the rules, within a period of four weeks from the date of receipt of this order. The applicant shall co-operate when called upon to do so by Respondent No.2 in supplying to him the necessary information/ documents.

6. In the result, the application is disposed of as above. Parties will bear their own costs.



KN Mohanty.

Sd/- (N. SAHOO)
MEMBER (ADMINISTRATIVE)
(RESERVE ADMINISTRATIVE)

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[Signature]
Section Officer, 08.11.25
Central Administrative Tribunal,
Cuttack Bench, Cuttack.